

REMARKS

Claims 1, 2, 4, 5, 8-11, 13-16, 18, 22-24, 49-57 and 60-83 are pending in the present application, and Claims 25-48 are withdrawn.

The Office action has set forth a restriction of the pending claims into three groups. It is noted that Claims 22-24; 52-57; 60-62 were not identified with any of the three groups. A suggested grouping of those claims is included below. The Office Action grouped the claims as follows:

Group I: claims 1, 2, 4, 5, 8-11, 13-16, 18 as directed to tag deactivation (it is submitted that claims 22-24 should also be included in Group I);

Group II: claims 49-51, 63-66, and 77-83 as directed to determining the location of an item; and

Group III: claims 67-76 as directed to event notification (it is submitted that claims 52-57 and 60-62 should also be grouped in Group III).

Applicants provisionally elect Group III with traverse and assert that claims 52-56, 57, 60-62, 67-76 are readable thereon. Moreover, it is submitted that Claim 77-83 are also properly grouped in Group III. Comparing Claim 67 to 77, both claims are directed to a host notification method for use in an electronic checkout system that includes a data reader and an electronic host (as in Claim 67) or a point-of-sale (POS) terminal (as in Claim 77).

Traversal of the Restriction

M.P.E.P. §808.02 requires that “[w]here the related inventions as claimed are shown to be independent or distinct . . . the examiner, in order to establish reasons for insisting upon

restriction must explain why there would be a serious burden on the examiner if restriction is not required.” Further, “[w]here , however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reason exists for dividing among independent or related inventions.”

Applicants submit that the Examiner would not be seriously burdened if a restrictions as between elected Group III and non-elected Groups I and II was not required. It is noted that the Group 1 claims (Claims 1, 2, 4, 5, 8-11, 13-16,18, and 22-24) and Group II claims (Claims 49-51, 63-66) were previously examined and acted upon in the 9/18/06 Office Action.

Moreover, according to MPEP § 808.02,

”. . . the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden if restriction is not required. The examiner must show by appropriate explanation one of the following:

(A) Separate classification thereof: This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) A separate status in the art when they are classifiable together: Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries), a different field of search is shown, even though the two are classified together. The indicated different field